

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LLOYD RAY LITTLE,

Defendant.

Case No. CR07-5489RBL

ORDER


THIS MATTER comes on before the above-entitled Court upon Defendant's "Motion to Correct Sentencing of Time Served" [Dkt. #44]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Although entitled "Motion to Correct Sentencing of Time Served", defendant is actually seeking credit for time served in state custody and is more properly considered as a motion pursuant to 28 U.S.C. §2241. As indicated in the Declaration of William H. Redkey, Jr., the Bureau of Prisons ("B.O.P.") has not yet calculated the credit, if any, that the defendant is entitled to for time spent in state custody. Because the B.O.P. has not yet done the calculation and defendant has not availed himself of the administrative process, this motion is not yet ripe. Therefore, Defendant's motion [Dkt. #44] is **DENIED WITHOUT PREJUDICE.**

IT IS SO ORDERED.

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
2 appearing pro se.

3 Dated this 23rd day of December, 2008.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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